## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

MARTY E. ALLRED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:06-0007
	)	
JO ANNE B. BARNHART,¹	)	Judge Nixon
Commissioner of Social Security,	)	Magistrate Judge Bryant
	)	<u> </u>
Defendant.	)	

## **ORDER**

Pending before the Court is Plaintiff Marty E. Allred's ("Plaintiff" or "Allred") Motion for Judgment on the Administrative Record ("Plaintiff's Motion") (Doc. No. 17), to which Defendant ("Defendant" or "Commissioner") filed a Response in opposition (Doc. No. 19), and Plaintiff subsequently filed a Reply (Doc. No. 20). Magistrate Judge Bryant ("Magistrate Judge") filed a Report and Recommendation ("Report") on April 21, 2008 recommending that Plaintiff's Motion be granted, the findings of the Commissioner be reversed, and the matter remanded for further proceedings including rehearing. (Doc. No. 22). Defendant did not file any Objections to the Report.

After review, the Court finds the Magistrate Judge's thorough Report to be correct and ACCEPTS AND ADOPTS it in its entirety. Therefore, the Court GRANTS Plaintiff's Motion, REVERSES the Commissioner's decision, and REMANDS the cause for further proceedings

Michael J. Astrue was sworn in as Commissioner of Social Security on February 12, 2007. Pursuant to Federal Rule of Civil Procedure 25(d)(1) and the last sentence of 42 U.S.C. § 405(g), Michael J. Astrue is automatically substituted as Defendant in the above-captioned case, and no further action is necessary to continue this case.

consistent with the Report, to include rehearing. This Order terminates this Court's jurisdiction over the above-styled action, and the case is **DISMISSED**.

It is so ORDERED.

> JOHN T. NIXON, SENIOR JUDGE UNITED STATES DISTRICT COURT